GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Allegation of acquisition of assets disproportionate to the known sources of his income against Sri Markonda Patnaikuni Janardhana Rao, Town Planning Building Overseer, Municipal Corporation, Guntur - Prosecution orders were issued – Accused Officer acquitted by the Judgment of Hon'ble Court of III Additional District Judge-cum-Special Judge for SPE and ACB Cases, Visakhapatnam, dated.31.10.2018 in C.C.No.08/2009 - Further action dropped - Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.II) DEPATMENT

G.O.RT.No. 371 **Dated: 20-05-2019.**

Read the following:-

1. From the DSP, ACB, Visakhapatnam FAC, Vizianagaram Range, A.P. Police Department message, dated.22.07.2007 & 26.07.2007.
2. Govt.Memo.No.15623/Vig.I(1)/2007-1, dated.31.07.2007.
3. From the DTCP., A.P., Hyderabad, Proceedings Roc.No.7725/2007/M3, dated.02.08.2007.
4. G.O.Ms.No.802, MA&UD (Vig.I(1)) Department, dated.07.11.2007.
5. From the DTCP., A.P., Hyderabad, Proceedings Roc.No.7725/2007/M3, dated.01.09.2008.
6. Govt.Memo.No.15623/Vig.I(1)/2007-8, dated.27.10.2008.
7. Final report from the Director General, Anti Corruption Bureau, A.P., Hyderabad, Letter Rc.No.140/RCA-VVZ/2007, dated.31.12.2008.
8. G.O.Ms.No.189, MA&UD (VIG.I(1)) Department, dated.26.02.2009.
9. Govt.Memo.No.15623/ Vig.I(1)/2007-12, dated.26.02.2009.
10. From the DTCP., A.P., Hyderabad, Charge Memo No.7725/2007/M3, dated.23.03.2009.
11. From the Director General, Anti Corruption Bureau, A.P., Hyderabad, Letter C.No.140/RCA-VVZ/2006, dated.03.04.2009.
12. From the Director General, Anti Corruption Bureau, A.P., Vijayawada, Letter Rc.No.140/RCA-VVZ/2007-S.12, dated.10.12.2018.
13. From the Director General, Anti Corruption Bureau, A.P., Vijayawada, Letter Rc.No.140/RCA-VVZ/2007-S.12, dated.12.03.2019 along with copy of Judgment dated.31.10.2018 of the Special Judge for ACB Cases-cum-III Additional District & Sessions Judge, Visakhapatnam.

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O R D E R:

Whereas it has been brought to the notice of the Government by the Deputy Superintendent of Police, Anti Corruption Bureau, Visakhapatnam FAC, Vizianagaram Range that, Sri Markonda Patnaikuni Janardhana Rao, the then Town Planning Building Overseer, Municipal Corporation, Guntur is in possession of assets disproportionate to the known sources of his income and a case was registered against him in Cr.No.7/RCA-ACB/VZM/2007, U/s 13(2) r/w 13(1) (e) of P.C. Act, 1988 of ACB, Vizianagaram Range. In the reference 1st read above, the Deputy Superintendent of Police, Anti Corruption Bureau, Visakhapatnam

(P.T.O)

FAC, Vizianagaram Range has informed that, the Accused Officer Sri M.P.Janardhana Rao, the then Town Planning Building Overseer, Municipal Corporation, Guntur was arrested on 22.07.2007 at 01.00 PM and produced before the Hon'ble III Addl. District & Sessions Judge-cum-Spl. Judge for ACB Cases, Visakhapatnam for judicial custody.

2. In the reference 2nd read above, the Director of Town and Country Planning, A.P., Hyderabad was requested to place the Accused Officer under suspension immediately from the date of his detention i.e., 22.07.2007. In the reference 3rd read above, the Director of Town and Country Planning, A.P., Hyderabad has issued orders placing the Accused Officer Sri M.P.Janardhana Rao, the then Town Planning Building Overseer, Municipal Corporation, Guntur under suspension from the date of his detention i.e., 22.07.2007 in terms of sub-rule (2)(a) of Rule (8) of APCS (CCA) Rules, 1991.

3. In the reference 4th read above, orders were issued, authorizing the Investigating Officer of Anti Corruption Bureau of this case for filing an application in the court of Special Judge for ACB Cases, Visakhapatnam for attachment of properties worth Rs.75,86,487/- under Section 3 of the Criminal Law (Amendment) Ordinance, 1944.

4. In the reference 5th read above, based on orders of Hon'ble APAT., the Director of Town and Country Planning, A.P., Hyderabad has issued orders reinstating Sri M.P.Janardhana Rao, the then Town Planning Building Overseer (u/s) into service. In the reference 6th read above, Government after careful examination of the matter, ratified the action taken by the Director of Town and Country Planning, for reinstating the Accused Officer.

5. In the reference 7th read above, the Director General, Anti Corruption Bureau, Hyderabad has recommended to prosecute the accused officer Sri M.P.Janardhana Rao, the then Town Planning Building Overseer, Municipal Corporation, Guntur in a court of law under sections 13(2) r/w 13(1)(e) of the P.C. Act, 1988. Government after examining the matter have issued orders to prosecute Sri M.P.Janardhana Rao, the then Town Planning Building Overseer, Municipal Corporation, Guntur in a court of law vide reference 8th read above. In the reference 11th read above, the Director General, Anti Corruption Bureau, Hyderabad has informed that, charge sheet was filed against the accused officer in the court of Special Judge for SPE and ACB Cases, Visakhapatnam.

6. Basing on the recommendations of the Director General, Anti Corruption Bureau, A.P., Hyderabad and the instructions issued by the Government vide reference 9th read above, the Director of Town and Country Planning, A.P., Hyderabad has initiated departmental by framing articles of charges against Sri M.P.Janardhana Rao, the then TPBO for violation of APCS (Conduct) Rules, 1964 vide reference 10th read above.

7. In the reference 12th read above, the Director General, ACB, A.P., Vijayawada has informed that, the III Additional District and Sessions Judge cum

(Contd...3)

Spl. Judge for ACB Cases, Visakhapatnam delivered the Judgment on 31.10.2018 in C.C.No.08/2009 against Sri M.P.Janardhana Rao, TPBO, Guntur Municipal Corporation. The Accused Officer is found not guilty of the charges framed u/s 13(2) r/w 13(1)(e) of the P.C. Act, 1988 and acquitted u/s 248(1) of Cr.P.C.

8. In the reference 13th read above, the Director General, ACB, A.P., Vijayawada while furnishing a copy of the Judgment of the Special Judge for ACB Cases-cum-III Addl. District & Sessions Judge, Visakhapatnam, dt.31.10.2018 in C.C.No.08/2009 against Sri M.P.Janardhana Rao, TPBO, Municipal Corporation, Guntur, informed that, there are no grounds to prefer an appeal against acquittal orders of the trial court and therefore requested to communicate the orders in the matter. The Special Judge for ACB Cases-cum-III Addl. District & Sessions Judge, Visakhapatnam has delivered the following Judgment on 31.10.2018 in C.C.No.08/2009 against Sri M.P.Janardhana Rao:

> *"On a conspectus of entire material on record I find that the prosecution has miserably failed to prove that the AO amassed Assets disproportionate to his known sources of income and the AO is entitled for acquittal.*
>
> *In the result, Accused Officer is found not guilty for the offence U/secs. 13(2) read with 13(1)(e) of Prevention of Corruption Act, 1988 and he is acquitted U/sec.248(1) Cr.P.C., accordingly. The bail bonds of Accused Officer shall stand cancelled after appeal time is over".*

9. Government after careful examination of the matter has decided to drop further action against Sri M.P.Janardhana Rao, the then Town Planning Building Overseer, Municipal Corporation, Guntur, as he was not found guilty of the charges and acquitted by Judgment of Hon'ble Court of III Additional District Judge-cum-Special Judge for SPE and ACB Cases, Visakhapatnam, dated.31.10.2018 in C.C.No.08/2009.

10. Accordingly, Government hereby order to drop further action against Sri M.P.Janardhana Rao, the then Town Planning Building Overseer, Municipal Corporation, Guntur, as he was not found guilty of the charges and acquitted by Judgment of Hon'ble Court of III Additional District Judge-cum-Special Judge for SPE and ACB Cases, Visakhapatnam, dated.31.10.2018 in C.C.No.08/2009.

11. The Director of Town & Country Planning, A.P., Guntur shall take further necessary action in the matter under intimation to Government.

12. The receipt of the G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.KARIKAL VALAVEN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri M.P.Janardhana Rao, the then TPBO, Guntur and presently working as TPBO, Vizianagaram Municipality – **through** the DTCP., A.P., Guntur.

(P.T.O)

The Director of Town & Country Planning, A.P., Guntur.

Copy to:

The Director General, ACB., Vijayawada, Krishna District.
The Secretary to APVC., 5th block, A.P. Secretariat, Velagapudi.
The Commissioner, Guntur Municipal Corporation, Guntur.
The District Collector, Guntur District.
Sf/Sc.

// FORWARDED BY ORDER //

SECTION OFFICER.